

1 Martha G. Bronitsky
2 Chapter 13 Standing Trustee
3 Po Box 5004
4 Hayward, CA 94540
5 (510) 266- 5580

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7 Trustee for Debtor(s)

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9
10 UNITED STATES BANKRUPTCY COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 In Re
13 Brian Yu

14 Chapter 13 Case Number:
15 22-41315-WJL13

16 Debtor(s)

17 **TRUSTEE'S MOTION TO DISMISS CHAPTER 13 CASE FOR FAILURE TO MAKE
18 PLAN PAYMENTS; DECLARATION; AND NOTICE AND OPPORTUNITY TO OBJECT**

19 **TO THE DEBTOR(S) AND DEBTOR(S)' ATTORNEY:**

20 Martha G Bronitsky, Chapter 13 Standing Trustee, requests an Order Dismissing this case pursuant to 11
21 U.S.C. Section 1307(c)(6) upon the grounds that the debtor(s) is in material default for the following
22 reasons:

23 **1. YOU ARE IN DEFAULT UNDER YOUR CHAPTER 13 PLAN.**

24 As of February 13, 2023 you should have paid a total of \$2,013.14 to the Chapter 13 Trustee.
25 According to the Trustee's records, you are in default in the amount of \$2,013.14. The default amount
26 includes the current's month payment regardless of the day of the month your payment is due. If your
27 monthly due date falls after the 21 day notice period, you will still have until your due date to make the
28 current month's payment.

29 **2. TO AVOID DISMISSAL**

30 Within 21 days of this notice, YOU MUST (a) bring the case current (payment must be received by the
31 Trustee within 21 days); or (b) file and serve a motion to modify plan/amended plan (as applicable) to
32 bring your case current; or (c) file an opposition/request for hearing detailing why the case should not be
33 dismissed stating specific actions you have taken to resolve the delinquency.

1 You should contact your attorney immediately to be advised of your legal options.
2 If you do not take timely action, YOUR CASE MAY BE DISMISSED WITHOUT ANY FURTHER
3 NOTICE OR HEARING.

4 PURSUANT TO LOCAL BANKRUPTCY RULE 9014-1(b)(3)(A) NOTICE IS HEREBY
5 GIVEN: Any objection to the requested relief, or a request for hearing on the matter, must be filed and
6 served upon the initiating party with 21 days of the mailing of notice; any objection or request for
7 hearing must be accompanied by any declarations or memoranda of law any requesting party wishes to
8 present in support of its position; if there is no timely objection to the requested relief or a request for
9 hearing, the court may enter an order granting relief by default.

10 In the event of a timely objection or request for hearing, (either): the initiating party will give at
11 least seven days written notice of the hearing to the objecting or requesting party, and to any trustee or
12 committee appointed in the case; or the tentative hearing date, location, and time are "n/a".

13 I declare under penalty of perjury that the foregoing is true and correct.

14 Dated: February 13, 2023

/s/ Martha G. Bronitsky

15 Signature of Martha G. Bronitsky
16 Chapter 13 Standing Trustee

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1 In re
2 Brian Yu

2 debtor(s)

Chapter 13 Case No.
22-41315-WJL13

3 CERTIFICATE OF SERVICE

4 I HEREBY CERTIFY that I have served a copy of the within and foregoing document on the
5 debtor (s), counsel for debtor (s), and if applicable, the creditor, creditor representatives and
6 the registered agent for the creditor by depositing it in the United States mail with first class
postage attached thereto.

7
8 Pro Per

9 Brian Yu

(Counsel for Debtor)

10 36500 Alder Ct
11 Fremont, CA 94536

12 (Debtor(s))

13
14 I declare under penalty of perjury under the law of the State of California that the foregoing is
true and correct.

15
16 Date: February 13, 2023

17 /s/ Olga Gonzalez

18 Olga Gonzalez